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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,402	10/24/2000	Kurt Jonach	80398.P364	3658

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EXAMINER

NGUYEN, CAO H

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/696,402

Applicant(s)

Sato et al.

Examiner

Cao (Kevin) Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 24, 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ouellet et al. (US Patent No. 6,336,052 B1) in view of Morris et al (US Patent No. 6,097,389 B1).

Regarding claim 1, Ouellet discloses a computerized method, comprising: manipulating a dial (see abstract and col. 6, lines 31-64); interacting with software (see col. 7, lines 1-58); however, Ouellet fails to explicitly teach wherein the dial is interactive with the software for sequentially displaying a plurality of files.

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Morris teaches wherein the dial is interactive with the software for sequentially displaying a plurality of files (see col. 5, lines 25-63 and col. 6, lines 1-48). It would have been obvious to one of an ordinary skill in the art at the time the invention was made to provide a displaying plurality of image files as taught by Morris to the dial button interface of Ouellet in order to improve a user friendly interface for use in an interactive environment which involves the manipulating of the files for displaying images on screen.

Regarding claim 2, Morris discloses further comprising sequentially linking the plurality of files into a file set (see col. 8, lines 5-54).

Regarding claim 3, Ouellet discloses further comprising a stop point position of the dial, wherein one file in the file set is displayed (see col. 7, lines 30-58).

Regarding claim 4, Ouellet discloses wherein the further the dial is turned from the stop point, the faster file set is sequentially displayed (see col. 10, lines 5-51).

Regarding claim 5, Ouellet discloses wherein turning the dial to the right of the stop point advances the sequentially displayed file set in a direction while turning the dial to the left of the stop point advances the sequentially displayed file set in an opposite direction (see col. 10, lines 5-51).

Regarding claim 6, Ouellet discloses wherein pushing the dial in causes the displayed file to be selected (see figures 1-2).

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Regarding claim 7, Ouellet discloses wherein pushing the dial in causes the selected file to be unselected (see col. 11, lines 7-40).

Regarding claim 8, Ouellet discloses wherein the selected file is added to a new file set (see col. 12, lines 10-48).

Regarding claim 9, Ouellet discloses wherein the selected file is flagged for easy return (see col. 13, lines 7-40).

Regarding claim 10, Ouellet discloses wherein the dial is visually represented by a display on a computer monitor; and wherein the visual dial is interactive with the software for sequentially displaying the file set through the use of a touch sensitive monitor (see figures 2-4B).

Regarding claims 11-13, Morris discloses wherein the dial is interactive with the software for sequentially displaying the file set through the use of a mouse (see figures 12A-12E).

Regarding claim 14, Ouellet discloses wherein the dial is interactive with the software for sequentially displaying the file set through the use of voice activated commands (see figures 1-5). One skill in the art would have been obvious to use voice command to manipulate the dial for displaying image files.

Regarding claims 15-17, Ouellet discloses wherein the dial is interactive with the software for sequentially displaying the file set through the use of a touch sensitive pad (see figure 1).

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As claims 18-33 are analyzed as previously discussed with respect to claims 1-17 above.

Claim 34 differs from claim 1 in that "networked server system comprising means for posting a linked set of files for display; and means for sequentially displaying the content of the linked set of files" which read on Morris (see figures 1-2).

As claims 35-43 are analyzed as previously discussed with respect to claims 1-17 and 33 above.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892).

4. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 746-7239 may be used for formal communications or (703) 746-7240 for informal or draft communications.

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Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

Inquires

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca, can be reached on (703) 308-3116. The fax number for this group is (703) 746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.


CAO (KEVIN) NGUYEN
PRIMARY EXAMINER

February 9, 2003